

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

	)	AFFIRMATION IN
	)	SUPPORT OF MOTION
	)	FOR EXTENSION OF
JOANNA DANUTA MARUSZAK	)	TIME TO SERVE
Plaintiff,	)	DEFENDANT DARIUSZ
v.	)	ROBERT MARUSZAK IN
	)	POLAND
DARIUSZ ROBERT MARUSZAK	)	
Defendant	)	Civil Action No.
	)	
		08-CV-3978 (GEL)
		<b>ECF CASE</b>

**IVO GEORGE CAYTAS**, aware of the penalties of perjury, deposes and says:

1. I am the attorney for the plaintiff in this action. I have personal knowledge of the facts stated herein, and the stated facts are true and correct.
2. As a member of the bar and as an officer of this Court, I make this affirmation in support of an *ex parte* motion to extend time for service of the summons and complaint upon the defendant Dariusz Robert Maruszak at his place of business ul. Gornicza 88/1, 50-136 Wroclaw, Poland.
3. On April 28, 2008 I commenced this action by filing a verified complaint.
4. Service in Poland has to be made in accordance with the Hague Convention On The Service Abroad Of Judicial and Extrajudicial Documents in Civil and Commercial

Matters, 20 U.S.T. 1361, 658 U.N.T.S. 163, T.I.A.S. No. 6638, 16 I.L.M. 1339 (1977), 28 U.S.C.A. (Appendix following Rule 4 Fed R. Civ. Proc) (the "Hague Service Convention").

5. Service by the Hague Service Convention is necessary to meet proper service requirements under Polish law in order to enforce a judgment against the defendant in this matter in Poland and elsewhere.
6. Pursuant to the Hague Service Convention, a certified translation into the Polish language must be provided together with the Summons and Complaint for international judicial assistance to be granted. I have provided such a translation.
7. I have forwarded the Summons, Complaint and certified translations in accordance with the requirements of the Hague Service Convention to the agent of the U.S. Central Authority, Process Forwarding International, 910 Fifth Avenue, Seattle, WA 98104. I was advised that return of proof of service may take up to six months.
8. The statutory period of 120 days for service of the Summons and Complaint upon the defendant will expire on August 26, 2008.
9. I have been advised by affidavit of Rick Hamilton, the agent of the U.S. Central Authority, Process Forwarding International, 910 Fifth Avenue, Seattle, WA 98104, that proof of completed service in Poland has not been received to date from the Polish authorities. *See Exhibit A hereto.*

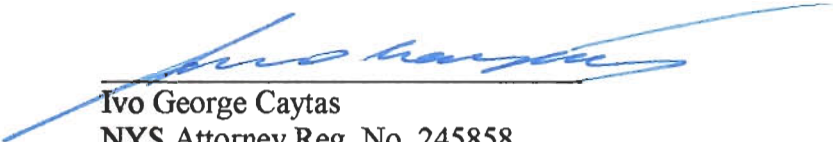
10. In order to be able to complete service by way of international judicial assistance pursuant to the Hague Service Convention, I must therefore respectfully move this Court for another 120-day extension of time for service until December 24, 2008.

11. This motion is made *ex parte* because the defendant Dariusz Robert Maruszak has not been served to date.

12. PRIOR APPLICATION HAS NOT BEEN MADE FOR THE RELIEF REQUESTED HEREIN.

WHEREFORE, plaintiff respectfully requests that this petition be granted and that plaintiff may have such other and further relief as may be just and proper.

Dated: August 12, 2008



Ivo George Caytas  
NYS Attorney Reg. No. 245858  
CAYTAS & ASSOCIATES  
146 West 57<sup>th</sup> Street, 57<sup>th</sup> Floor  
New York, New York 10019  
(917) 805-4120

Attorney for Plaintiff

**EXHIBIT A:** Affidavit of Rick Hamilton dated August 11, 2008

**EXHIBIT B:** Form of Order

**EXHIBIT A:**  
**Affidavit of Rick Hamilton dated August 11, 2008**

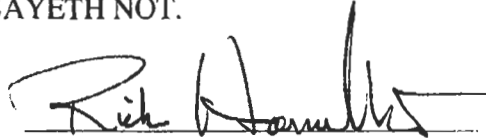
STATE OF WASHINGTON )  
 ) ss.:  
CITY OF SEATTLE )

**AFFIDAVIT**

Rick Hamilton, being duly sworn, deposes and states as follows:

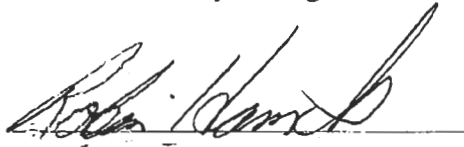
1. My name is Rick Hamilton. I am of full age. I reside and maintain an office in Washington State.
2. I am the director of operations at Process Forwarding International and ABC Legal Services, Inc.
3. Effective June 1, 2003, Process Forwarding International and ABC Legal Services, Inc. began a 5-year contract to perform the duties as Central Authority for the United States Department of Justice under Contract # 03-C-0655. On the behalf of the United States Department of Justice, PFI manages all formal service of process for the United States on judicial documents under the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters (the "**Hague Service Convention**").
4. At the instruction of IVO GEORGE CAYTAS, Esq., attorney for plaintiff JOANNA DANUTA MARUSZAK dated April 28, 2008, we caused service in accordance with the Hague Service Convention to be made upon defendant DARIUSZ ROBERT MARUSZAK at his registered residential address (ul. Gurnicza 88/1, 50-136 Wroclaw, Poland) through the Central Authority of Poland, of the following documents in the matter of *Maruszek v. Maruszek et al.*, 08-cv-3978 in the Southern District of New York:
  - (1) Federal Summons
  - (2) Verified Complaint
  - (3) Verified Translation into Polish of (1) Federal Summons
  - (4) Verified Translation into Polish of (2) Verified Complaint
5. The Central Authority of Poland under the Hague Service Convention is the Ministry of Justice, which will effective service in accordance with Polish law through the local court of competent jurisdiction.
6. To this date, a certificate of service has not yet been received from the Polish authorities and a motion to extend time to serve appears warranted.

FURTHER AFFIANT SAYETH NOT.

  
Rick Hamilton

Sworn to and subscribed before me this

11<sup>TH</sup> day of August 2008



Notary Public

[SEAL]

My commission expires:

3/30/2011

**EXHIBIT B:  
Form of Order**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

		ORDER FOR
JOANNA DANUTA MARUSZAK	)	EXTENSION OF TIME TO
Plaintiff,	)	SERVE DEFENDANT
v.	)	DARIUSZ ROBERT
	)	MARUSZAK IN POLAND
DARIUSZ ROBERT MARUSZAK	)	
Defendant	)	Civil Action No.
	)	
<hr/>		08-CV-3978 (GEL)
		<b>ECF CASE</b>

The Plaintiff having duly moved this Court for an Order extending time to serve a copy of the Summons and Complaint pursuant to the Hague Convention On The Service Abroad Of Judicial and Extrajudicial Documents in Civil and Commercial Matters, 20 U.S.T. 1361, 658 U.N.T.S. 163, T.I.A.S. No. 6638, 16 I.L.M. 1339 (1977) (the “Hague Service Convention”) through appropriate judicial authorities of the Republic of Poland upon the defendant, Dariusz Robert Maruszak, and plaintiff’s said motion having been duly submitted to the Court, and

Upon reading and filing the affirmation of Ivo George Caytas, Esq., principal of Plaintiff *pro se* Caytas & Associates in support of Plaintiff's motion and the matter having been duly submitted to the Court for a decision, and after due deliberation having been had thereon,

**NOW**, upon motion of Plaintiff Joanna Danuta Maruszak, it is



**ORDERED** that time to complete service pursuant to the Hague Service Convention with international judicial assistance by the Polish authorities, and to file proof of service with the Clerk's office of this Court be, and it hereby is extended for an additional 120 days until December 24, 2008.

Dated: \_\_\_\_\_, 2008

\_\_\_\_\_  
Gerard E. Lynch, U.S.D.J.